

AMENDED IN ASSEMBLY MARCH 11, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1644

Introduced by Assembly Member Nielsen
(Coauthor: Assembly Member Arambula)

January 12, 2010

An act to add Chapter 4.5 (commencing with Section 7250) to Division 7 of the Health and Safety Code, relating to cremated remains.

LEGISLATIVE COUNSEL'S DIGEST

AB 1644, as amended, Nielsen. Veterans' remains.

Existing law regulates the custody, control, and interment of human remains.

This bill would allow ~~specified~~ *prescribed* entities in possession of the cremated remains of a veteran to release ~~the specified information~~ *and* remains to a veterans' service organization, as defined, if ~~specified~~ *certain* conditions are met. The bill would require the veterans' service organization to take all reasonable steps to inter remains received ~~and would exempt the veterans' service organization from storage charges accrued by the holding entity and the additional expenses of interment.~~ The bill would also exempt from civil liability an entity that releases ~~the information or~~ remains after meeting the specified conditions and exempt from negligence a veterans' service organization that receives and inters remains if the veterans' service organization does not know or have reason to know that the remains were not released in compliance with the above conditions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.5 (commencing with Section 7250) is added to Division 7 of the Health and Safety Code, to read:

CHAPTER 4.5. CREMATED REMAINS OF VETERANS

7250. For purposes of this chapter, the following definitions shall apply:

(a) “Information” means the data required by the Department of Veterans Affairs to verify the status of a person as either a veteran or the dependent of a veteran for purposes of eligibility for burial in a national or state cemetery, including the person’s name, service number, social security number, date of birth, date of death, place of birth, branch of the service, and military rank.

(a)

(b) “Veteran” shall have the same meaning as it is defined in Section 940 of the Military and Veterans Code.

(b)

(c) “Veterans’ service organization” means an association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States Congress, including, but not limited to, the Disabled American Veterans, Veterans of Foreign Wars, the American Legion, the Legion of Honor, and the Vietnam Veterans of America. The term also includes a member or employee of an eligible association or entity nonprofit veterans’ corporation, association, or entity that specifically deals with verification and veterans’ burials.

7251. ~~(a) A funeral home, cemetery authority, cemetery corporation or association, or other entity in possession of the cremated remains of a veteran or the spouse of a veteran may release the remains to a veterans’ service organization if all of the following conditions are met:~~

~~(1) The remains have been in the entity’s possession for a period of at least ____ year.~~

~~(2) Notice has been given by mail to the next of kin at the last known address. If no address is known or can reasonably be ascertained, notice shall be given by publication once each week for ____ successive weeks in a newspaper of general circulation in the county of the veteran’s residence. If the veteran’s residence~~

1 is unknown, the notice shall be published in a newspaper of general
2 circulation in the county in which the veteran died. If the county
3 of death is unknown, publication shall be made in a newspaper of
4 general circulation in the county in which the holding entity is
5 located.

6 (b) ~~Notice given pursuant to paragraph (2) of subdivision (a)~~
7 ~~shall include all of the following information:~~

8 (1) ~~The veteran's name and, if known, the veteran's year of~~
9 ~~birth and date of death.~~

10 (2) ~~A statement including the date by which the veteran's~~
11 ~~remains must be claimed by the next of kin. If notice is given by~~
12 ~~mail, the date shall be 30 days after the date of mailing of the~~
13 ~~notice. If notice is given by publication, the date shall be four~~
14 ~~months after the date of first publication of the notice.~~

15 (3) ~~A statement that the remains will be given to a veterans'~~
16 ~~service organization for interment.~~

17 (4) ~~Contact information for the holding entity.~~

18 (e) ~~The veterans' service organization shall not be liable for~~
19 ~~storage charges that may have accrued at the holding entity or the~~
20 ~~additional expense of interment.~~

21 (d) ~~The funeral home, cemetery authority, cemetery corporation~~
22 ~~or association, or other entity that releases the remains of a veteran~~
23 ~~pursuant to this section shall not be subject to civil liability if the~~
24 ~~conditions in this section are met.~~

25 7251. (a) *A cemetery authority, cemetery corporation or*
26 *association, or other entity in possession of the cremated remains*
27 *shall release to a veterans' service organization information*
28 *required to verify a person's status as a veteran or the dependent*
29 *of a veteran. The entity may release the remains to the veterans'*
30 *service organization when all of the following conditions have*
31 *been met:*

32 (1) *The veterans' service organization has verified that the*
33 *person is a veteran or the dependent of a veteran, eligible for*
34 *burial in a national or state cemetery.*

35 (2) *The entity has made a reasonable effort to locate the agent*
36 *or family member who has the right to control the remains.*

37 (3) *An agent or family member who has the right to control the*
38 *remains has made no attempt to claim the remains.*

1 (4) *The remains have been in the entity's possession for a period*
2 *of at least one year, all or any part of which may occur before*
3 *August 28, 2010.*

4 (b) *The cemetery authority, cemetery corporation or association,*
5 *or other entity that releases the information or remains pursuant*
6 *to this section shall not be subject to civil liability if the conditions*
7 *of this section are met.*

8 7252. (a) A veterans' service organization shall take all
9 reasonable steps to inter remains received pursuant to this chapter.

10 (b) A veterans' service organization that receives and inters
11 remains pursuant to this chapter shall not be liable for negligence
12 if the veterans' service organization does not know or have reason
13 to know that the remains were not released in compliance with
14 Section 7251.